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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/480,589	01/10/2000	Kevin Michael Ruppelt	9D-EC-19348-Ruppelt-et-al 4505			
7590 05/03/2005			EXAMINER			
John S Beulick			VAN DOREN, BETH			
Armstrong Teas	sdale LLP					
One Metropolit	an Square	ART UNIT	PAPER NUMBER			
Suite 2600			3623			
St Louis, MO 63102			DATE MAILED: 05/03/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)			
09/480,589	RUPPELT ET AL.			
Examiner	Art Unit			
Beth Van Doren	3623			

	Detin	Van Dolen		3023	
The MAILING DATE of this communication appe	ears on	the cover she	et with the c	orrespondence add	ress
THE REPLY FILED <u>25 April 2005</u> FAILS TO PLACE THIS APF	PLICATI	ON IN CONDIT	ION FOR AL	LOWANCE.	
1.  The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in complian time periods:	wing re otice of ice with	plies: (1) an am Appeal (with ap 37 CFR 1.114.	endment, aff peal fee) in o The reply mo	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailing					
b) The period for reply expires on: (1) the mailing date of this a no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	later than (b). ONL 706.07(f)	n SIX MONTHS fr LY CHECK BOX (	om the mailing b) WHEN THE	g date of the final rejection E FIRST REPLY WAS F	on. ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	xtension shortene er than th	and the correspond ed statutory period	nding amount d for reply origi	of the fee. The appropri	iate extension fee ce action: or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in complishing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	ension ti	hereof (37 CFR	41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
3. X The proposed amendment(s) filed after a final rejection,	but pric	or to the date of	filing a brief	will not be entered by	ecanse
(a) They raise new issues that would require further co	onsidera	ation and/or sea	rch (see NO	TE below):	ccause
(b) They raise the issue of new matter (see NOTE belo				55.5.17,	
(c) They are not deemed to place the application in be appeal; and/or	etter forr	n for appeal by	materially re	ducing or simplifying	the issues for
(d) ☐ They present additional claims without canceling a	corresp	onding number	of finally rej	ected claims.	
NOTE: See Continuation Sheet. (See 37 CFR 1.1	116 and	41.33(a)).			•
<ol> <li>The amendments are not in compliance with 37 CFR 1.1</li> </ol>	121. Se	e attached Notic	ce of Non-Co	mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s	):				,
<ol> <li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li> </ol>	illowable	e if submitted in	a separate,	timely filed amendme	ent canceling the
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	will vided b	not be entered elow or append	, or b) 🔲 wil led.	ll be entered and an e	explanation of
Claim(s) allowed:					
Claim(s) objected to:		·			
Claim(s) rejected: <u>1-11, 13-38, 40-75,79-81</u> .				•	
Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE					
<ol> <li>The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	nd suffic	e or on the date ient reasons wh	of filing a No	otice of Appeal will <u>no</u> rit or other evidence is	of be entered and sees any and
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcon	ne all rejections	under appea	al and/or appellant fai	Is to provide a
10. ☐ The affidavit or other evidence is entered. An explanation					
REQUEST FOR RECONSIDERATION/OTHER			المسترات الم	intry to botom or attack	icu.
11. The request for reconsideration has been considered by	ut does	NOT place the	application ir	n condition for allowar	nce because:
<ul><li>12. ☐ Note the attached Information Disclosure Statement(s).</li><li>13. ☐ Other:</li></ul>	(PTO/S	6B/08 or PTO-14	449) Paper N	lo(s)	<i>(</i> -
				-//to	<u> </u>
				TARIO R. HAPIZ	,
			SHPFR\	ISORY PATENT EXA	MINER

TECHNOLOGY CENTER 3600



Continuation of 3. NOTE: The amendments to the independent claims add a limitations which has not yet been considered, thereby requiring further search and/or consideration.